

AO 450 (Rev. 5/85) Judgment in a Civil Case ⊕

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UNITED STATES DISTRICT COURT

\*\*\*\*\* DISTRICT OF NEVADA

ROBERT GRUTGEN,

Petitioner,

V.

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 3:08-CV-00304-BES-VPC

E.K. MCDANIEL, et al.,

Respondents.

\_\_\_ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

\_\_\_ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

X **Decision by Court.** This action came to be considered before the Court. The issues have been considered and a decision has been rendered.

**IT IS ORDERED AND ADJUDGED** that respondents' motion to dismiss (#11) is GRANTED. The Court finds grounds one and two are not cognizable in the instant action. Petitioner has elected to voluntarily abandon ground three.

**IT IS FURTHER ORDERED** the petition (#6) is DISMISSED WITH PREJUDICE.

**IT IS FURTHER ORDERED** that petitioner is DENIED a certificate of appealability.

July 7, 2009

LANCE S. WILSON  
Clerk

/s/ D. R. Morgan  
Deputy Clerk